FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.119 OF 2007
WITH
CIVIL APPLICATION NO.173 OF 2007
IN
APPEAL FROM ORDER NO.119 OF 2007

Pen Co-operative Urban Bank Ltd.
and anr. .....Appellants.

V/s

Hindustan Petroleum Corporation
Ltd. & anr. .....Respondents

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

Mr. Kevit Setlwad with Aftab Diamondwala i/b Divya Shah Associates for the appellant.

Mr. M.D. Siodia i/b Rustamji & Ginwalla for Respondent No.1.

CORAM: A.M. KHANWILKAR, J.

DATE : 27th February, 2007

P.C:

1. Counsel for Respondent No.1 states on instructions that work which was required to be carried out as referred to

in para 15 of the affidavit dated 06/02/2007 of relocating the underground tank and relocating pipe-lines has been completed. In this view of the matter, nothing else survives for consideration at this stage of the proceedings. In that view of the matter, prayer for ad-interim relief does not survive for consideration.

2. In the event any further construction is undertaken by Defendant No.1, it will be open to the appellant to renew the request for appropriate relief before the Trial Court. That request will be considered on its own merits. Besides, the Notice of Motion No.433 of 2007 which is still pending before the Trial Court be disposed of expeditiously, preferably by the end of April 2007. Parties shall remain present before the Trial Court on 03/04/2007 on which day the Trial Court may endeavour to dispose the Notice of Motion finally or such other day keeping in mind that the Notice of Motion will have to be disposed of before April 2007.

3. Appeal is disposed of.

4. In view of the above order, Civil Application is disposed of.

A.M. KHANWILKAR, J.